

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                         |   |                        |
|-------------------------|---|------------------------|
| PRAGMATUS TELECOM, LLC, | ) |                        |
|                         | ) |                        |
| Plaintiff,              | ) |                        |
|                         | ) |                        |
| v.                      | ) | C.A. No. 12-1660 (RGA) |
|                         | ) |                        |
| STAPLES, INC.,          | ) |                        |
|                         | ) |                        |
| Defendant.              | ) |                        |

**DEFENDANT STAPLES, INC.’S MOTION TO STAY  
PENDING REEXAMINATION OF THE PATENTS-IN-SUIT**

Defendant Staples, Inc. (“Staples”) moves to stay this case pending the *ex parte* reexamination of U.S. Patent No. 6,311,231 (Control No. 90/012,617) and the *inter partes* reexamination of U.S. Patent No. 6,668,286 (Control No. 95/002,317). Staples joins in and incorporates the arguments set forth in the briefs filed by defendants HSN, Inc. (C.A. No. 12-1546, D.I. 10) and Bosch Security Systems Inc. (C.A. No. 12-1650, D.I. 10).<sup>1</sup>

Plaintiff Pragmatius Telecom, LLC has alleged that Staples, HSN, Inc. and Bosch Security Systems each “infringe directly one or more claims of” U.S. Patent Nos. 6,311,231 and 6,668,286. *See* D.I. 9, ¶¶ 10, 13; C.A. No. 12-1546, D.I. 1 ¶¶ 10, 13; C.A. No. 12-1650, D.I. 11 ¶¶ 10, 13.

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<sup>1</sup> A motion to stay tolls the time for Staples to respond to the Amended Complaint. *See, e.g., Intravascular Research Ltd. v. Endosonics Corp.*, 994 F. Supp. 564, 567 n.3 (D. Del. 1998) (“Historically, motions to stay have been recognized as tolling the time period for answering a complaint because pre-answer consideration of these motions have been found to maximize the effective utilization of judicial resources.”); *see also* 5C Wright & Miller, FEDERAL PRACTICE AND PROCEDURE § 1360, 86 (3d ed. 2004).

Respectfully submitted,

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Michael J. Flynn

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March 4, 2013

7013054

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2013, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused to be served copies of the foregoing document on March 4, 2013, upon the following in the manner indicated:

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